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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/237,687 01/26/99 HEIBERGER

R 1671

QM02/0517

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EXAMINER

KIM, D

ART UNIT

PAPER NUMBER

3752

DATE MAILED:

05/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

8-17-00 9-17-00 10-17-00 11-17-00
8-16-00 9-16-00 10-16-00 11-16-00
8-10-00 9-10-00 10-10-00 11-10-00
8-3-00
7-17-00

MAY 22 2000

Office Action Summary

Application No.
09/237,687

Applicant(s)
Heiberger

Examiner
Christopher S. Klm

Group Art Unit
3752



☒ Responsive to communication(s) filed on 10 Apr 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-33 is/are pending in the application

Of the above, claim(s) 10-32 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 7, 9, and 33 is/are rejected.

☒ Claim(s) 6 and 8 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 26 Jan 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3752

DETAILED ACTION

1. Applicant's election with traverse of Group I in Paper No. 4 is acknowledged. The traversal is on the ground(s) that a cap could be viewed as a closure. This is not found persuasive because the Groups are claimed as combination and subcombination wherein the details of the subcombination are not claimed in the combination as indicated in paragraphs 2-4 of the prior office action.

The requirement is still deemed proper and is therefore made FINAL

Drawing

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "28" in figure 13 and "20" in figure 5 have both been used to designate the upper surface of the cap. Correction is required.
3. The drawings are objected to because, in figure 12, the indicator line for reference character "82" points to the cap's upper surface instead of the wedge. Correction is required.

Specification

4. The disclosure is objected to because of the following informalities: on page 9, line 7, "duct" should read --sleeve--.

Appropriate correction is required.

Art Unit: 3752

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7, 9 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Porter et al.

With respect to claims 1 and 33, Porter et al. disclose a closure A comprising: a cap member 10 and a valve body 32. Porter et al. disclose, in column 1, lines 15-33 and in column 2, lines 57-65, the resiliency and elasticity of the cap member and the valve body for joining the two members. The same would apply when pulled apart.

With respect to claim 2, Porter et al. disclose a stop member 38, 46.

With respect to claim 3, Porter et al. disclose a sleeve 24

With respect to claim 7, Porter et al. disclose a central post 22, a central cavity 52, and an aperture 48.

With respect to claim 9, Porter et al. disclose an open inner end 50.

Art Unit: 3752

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter et al. in view of Perlmutter.

Porter et al. disclose the claimed limitations with the exception of the longitudinal slot. Perlmutter discloses a pair of stop members 41 seated within longitudinal slots between arms 19. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporated the longitudinal slots and pair of stop members of Perlmutter to the device of Porter et al. to selectively lock the valve.

Allowable Subject Matter

9. Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Adams discloses a removable outer valve.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andres Kashnikow, can be reached on (703) 308-1137. The fax phone number for this Group is (703) 305-3588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

CK

May 15, 2000